

**Exhibit B**  
**to the**  
**Declaration of Eugene L. Hahm In Support of**  
**Visto's Reply in Opposition to RIM's Motion to**  
**Stay Proceedings Related to the Visto Patents**  
**Pending Reexamination**

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

VISTO CORPORATION §  
§  
V. § CIVIL NO. 2:06-CV-181(TJW)  
§  
RESEARCH IN MOTION LIMITED, and §  
RESEARCH IN MOTION CORPORATION §

**DOCKET CONTROL ORDER**

In accordance with the case scheduling conference held herein on the 6<sup>th</sup> day of March, 2007,

it is hereby

**ORDERED** that the following schedule of deadlines is in effect until further order of this court:

**Monday,** Jury Selection - 9:00 a.m. in **Marshall, Texas**  
**July 7, 2008**

**June 26, 2008** Pretrial Conference - 9:30 a.m. in **Marshall, Texas**

**June 20, 2008** Joint Pretrial Order, Joint Proposed Jury Instructions and Form of the Verdict.

**June 23, 2008** **Motions in Limine (due three days before final Pre-Trial Conference).**

Three (3) days prior to the pre-trial conference provided for herein, the parties shall furnish a copy of their respective Motions in Limine to the Court by facsimile transmission, **903/935-2295**. The parties are directed to confer and advise the Court on or before 3:00 o'clock p.m. the day before the pre-trial conference which paragraphs are agreed to and those that need to be addressed at the pre-trial conference. **The parties shall limit their motions in limine to those issues which, if improperly introduced into the trial of the**

**cause, would be so prejudicial that the Court could not alleviate the prejudice with appropriate instruction(s).**

**May 15, 2008**

**Notice of Request for Daily Transcript or Real Time Reporting of Court Proceedings.** If a daily transcript or real time reporting of court proceedings is requested for trial, the party or parties making said request shall file a notice with the Court and e-mail the Court Reporter, Susan Simmons, at [issimmons@yahoo.com](mailto:issimmons@yahoo.com).

**June 6, 2008**

Response to Dispositive Motions (including *Daubert* motions)<sup>1</sup>  
**Responses to dispositive motions filed prior to the dispositive motion deadline, including *Daubert* Motions, shall be due in accordance with Local Rule CV-7(e). Motions for Summary Judgment shall comply with Local Rule CV56.**

**June 19, 2008**

Objections required by Paragraph 6 of the Court's Discovery Order

**June 5, 2008**

Pretrial disclosures required by Paragraph 6 of the Court's Discovery Order, including identification of witnesses and exhibits and deposition designations by page and line number.

**May 1, 2008**

For Filing Dispositive Motions and any other motions that may require a hearing (including *Daubert* motions)

**April 1, 2008**

Mediation to be completed

**April 1, 2008**

Defendant to Provide Preliminary List of Trial Witnesses

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<sup>1</sup> The parties are directed to Local Rule CV-7(d), which provides in part that “[i]n the event a party fails to oppose a motion in the manner prescribed herein the court will assume that the party has no opposition.” Local Rule CV-7(e) provides that a party opposing a motion has **12 days, in addition to any added time permitted under Fed. R. Civ. P. 6(e)**, in which to serve and file a response and any supporting documents, after which the court will consider the submitted motion for decision.

<b>March 25, 2008</b>	Plaintiff to Provide Preliminary List of Trial Witnesses
<b>March 18, 2008</b>	Discovery Deadline
	<hr/> <p><b>30</b> Days after claim construction ruling Designate Rebuttal Expert Witnesses other than claims construction Expert witness report due Refer to Discovery Order for required information.</p>
	<hr/> <p><b>15</b> Days after claim construction ruling Comply with P.R. 3-8.</p>
	<hr/> <p><b>15</b> Days after claim construction ruling Party with the burden of proof to designate Expert Witnesses other than claims construction Expert witness report due Refer to Discovery Order for required information.</p>
<b>December 18, 2007</b>	Claim construction hearing 9:00 a.m., <b>Marshall, Texas.</b>
<b>November 26, 2007</b>	Comply with P.R. 4-5(c).
<b>November 19, 2007</b>	Comply with P.R. 4-5(b).
<b>November 5, 2007</b>	Comply with P.R. 4-5(a).
<b>October 10, 2007</b>	Discovery deadline—claims construction issues
<b>October 3, 2007</b>	Respond to Amended Pleadings

<b>September 19, 2007</b>	Amend Pleadings <b>(It is not necessary to file a Motion for Leave to Amend before the deadline to amend pleadings except to the extent the amendment seeks to add a new patent in suit. It is necessary to file a Motion for Leave to Amend after September 19, 2007).</b>
<b>September 19, 2007</b>	Comply with P.R. 4-3.
<b>August 20, 2007</b>	Comply with P.R. 4-2.
<b>July 31, 2007</b>	Comply with P.R. 4-1.
<b>May 7, 2007</b>	Privilege Logs to be exchanged by parties
<b>April 23, 2007</b>	Comply with P.R. 3-3.
<b>April 5, 2007</b>	Join Additional Parties
<b>March 16, 2007</b>	Comply with P.R. 3-1.

IT IS FURTHER ORDERED that the parties shall submit the name, address, telephone number, and fax number of an agreed mediator to the Court within thirty (30) days from the date of the Scheduling Conference. If the parties are unable to agree, the Court will appoint a mediator in the above referenced case.

#### **OTHER LIMITATIONS**

1. All depositions to be read into evidence as part of the parties' case-in-chief shall be **EDITED** so as to exclude all unnecessary, repetitious, and irrelevant testimony; **ONLY** those portions which are relevant to the issues in controversy shall be read into evidence.

2. The Court will refuse to entertain any motion to compel discovery filed after the date of this Order unless the movant advises the Court within the body of the motion that counsel for the parties have first conferred in a good faith attempt to resolve the matter. See Eastern District of Texas Local Rule CV-7(h).
3. The following excuses will not warrant a continuance nor justify a failure to comply with the discovery deadline:
  - (a) The fact that there are motions for summary judgment or motions to dismiss pending;
  - (b) The fact that one or more of the attorneys is set for trial in another court on the same day, unless the other setting was made prior to the date of this order or was made as a special provision for the parties in the other case;
  - (c) The failure to complete discovery prior to trial, unless the parties can demonstrate that it was impossible to complete discovery despite their good faith effort to do so.

SIGNED this 14th day of March, 2007.



T. JOHN WARD  
UNITED STATES DISTRICT JUDGE